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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 LARRY DOUGLAS NIXON,

11 Petitioner,

12 v.

13 ELDON VAIL,

14 Respondent.

Case No. C09-5013 FDB


ORDER DENYING  
APPLICATION TO PROCEED *IN*  
*FORMA PAUPERIS*

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16 The Magistrate Judge recommends that Petitioner's application to proceed *in forma pauperis* be  
17 denied. Petitioner has paid the filing fee and thus, his application is moot.

18 The Court, having reviewed the Report and Recommendation, Petitioner's application to proceed  
19 *in forma pauperis* and the remaining record, hereby finds and **ORDERS**:

- 20 (1) The Magistrate Judge's Report and Recommendation is approved and adopted;  
21 (2) Petitioner's application to proceed *in forma pauperis* (Dkt. # 1) is **DENIED**; and  
22 (3) The Clerk is directed to send directed to send copies of this Order to Petitioner.  
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24 DATED this 27<sup>th</sup> day of February, 2009.

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27 FRANKLIN D. BURGESS  
28 UNITED STATES DISTRICT JUDGE